

## REMARKS

In the Official Action mailed on **December 31, 2003**, the Examiner reviewed claims 1-43. Claims 8, 20, and 33 were objected to because of informalities. Claims 1-43 were rejected under 35 U.S.C. 102(e) as being anticipated by Pedersen et al. (USPN 5,862,348, hereinafter "Pedersen").

### Objections to the claims

Claims 8, 20, and 33 were objected to because of informalities.

Applicant has Amended claims 8, 20, and 33 to correct the informalities. These amendments find support on page 7, lines 19-23.

### Rejections under 35 U.S.C. §102(e)

Independent claims 1, 13, 25, and 38 were rejected as being anticipated by Pedersen. Applicant respectfully points out that Pedersen teaches that **after an election** has occurred, all of the server nodes send configuration information to the elected node (see Pedersen, col. 5, lines 49-54).

In contrast, in the present invention, the primary server periodically sends **checkpoint information** to one or more secondary servers. These secondary servers act as backup servers for the primary server and can **immediately assume** the functions of the primary server using the checkpoint information, unlike in Pedersen, the secondary server can do so without waiting for configuration information to arrive from the remaining nodes (see page 7, lines 12-18 of the instant application).

This ability to immediately assume the functions of the primary server using the checkpoint information without waiting for configuration information to arrive from the remaining nodes is beneficial in a highly-available system to avoid extended periods of down-time after a system reconfiguration.

There is no suggestion within Pedersen, either explicit or implicit, to send checkpoint information from the primary server to one or more secondary servers so that the secondary servers can immediately assume the functions of the primary server using the checkpoint information without waiting for configuration information to arrive from the remaining nodes.

Accordingly, Applicant has amended independent claims 1, 13, 25, and 38 to clarify that the present invention periodically sends checkpoint information to one or more secondary servers so that these secondary servers can immediately assume the functions of the primary server using the checkpoint information without waiting for configuration information to arrive from the remaining nodes. These amendments find support on page 7, lines 12-18 of the instant application.

Hence, Applicant respectfully submits that independent claims 1, 13, 25, and 38 as presently amended are in condition for allowance. Applicant also submits that claims 2-12, which depend upon claim 1, claims 14-24, which depend upon claim 13, claims 26-37, which depend upon claim 25, and claims 39-43, which depend upon claim 38 are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

**CONCLUSION**

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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